

Double Patenting

Claims 12-25 are rejected under the judicially created doctrine of obviousness type double patenting, as being unpatentable over:

- 1) claims 1-11 of U.S. Patent No. 5,952,172;
- 2) claims 10-20 of U.S. Patent No. 5,591,578;
- 3) claims 14-30 of U.S. Patent No. 5,705,348;
- 4) claims 14-25 of U.S. Patent No. 5,770,369;
- 5) claims 13-21 of U.S. Patent No. 5,780,234;
- 6) claims 1-10, 12-22 of U.S. Patent No. 5,824,473; and,
- 7) claims 28-39 of co-pending U.S. Patent Application No. 09/100,507.

A terminal disclaimer listing each patent and patent application cited is enclosed.

Applicants submit the claims are now in condition for allowance and an early notification of such is respectfully solicited. If after review, the Examiner feels there are further unresolved issues, the Examiner is invited to call the undersigned at (415) 781-1989.

The Commissioner is authorized to charge any additional fees, including any extension fees, which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-58762-9/RFT/RMS).

Dated: 12/6, 1999

Respectfully submitted,

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APPENDIX OF PENDING CLAIMS

12. A nucleoside comprising a ribose comprising a covalently attached electron transfer moiety at the 2' position.
13. A nucleoside according to claim 12 wherein said electron transfer moiety is an organic electron transfer moiety.
14. A nucleoside according to claim 12 wherein said electron transfer moiety is a transition metal complex.
15. A nucleoside according to claim 12 wherein said transition metal complex comprises ruthenium.
16. A nucleoside according to claim 12 wherein said transition metal complex comprises iron.
17. A nucleoside according to claim 12 wherein said transition metal complex comprises osmium.
18. A nucleoside according to claim 12 wherein said transition metal complex comprises rhenium.
19. A nucleoside according to claim 12 wherein said transition metal complex comprises cobalt.
20. A nucleoside according to claim 12 wherein said transition metal complex comprises palladium.
21. A nucleoside according to claim 12 wherein said transition metal complex comprises platinum.
22. A nucleoside according to claim 12 wherein said electron transfer moiety is attached via an amine group at said 2' position.
23. A nucleoside according to claim 12 wherein said electron transfer moiety is attached via a linker at said 2' position.
24. A nucleotide comprising a ribose comprising a covalently attached electron transfer moiety at the 2' position.
25. A nucleic acid comprising a nucleoside comprising a ribose comprising a covalently attached electron transfer moiety at the 2' position.